

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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ERIC SMITH,

Case No. 18-CV-2462 (NEB/LIB)

Plaintiff,

v.

**ORDER**

SCOTT GRIFFITH,

Defendant.

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The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois dated September 18, 2018 [ECF No. 6]. No objections have been filed to that Report and Recommendation in the time period permitted. Based upon the Report and Recommendation of the Magistrate Judge, and upon the file, record, and proceedings herein, it is hereby **ORDERED**:

1. That this action is **DISMISSED WITH PREJUDICE**.
2. That the application to proceed in forma pauperis [ECF No. 2] is **DENIED**.

**Let Judgment Be Entered Accordingly.**

Dated: October 24, 2018

BY THE COURT:

s/Nancy E. Brasel

Nancy E. Brasel

United States District Judge